

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
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Review of the Emergency Alert System)	EB Docket No. 04-296
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To: The Commission

COMMENTS OF DIRECTV, INC.

Pursuant to Section 1.415 of the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ DIRECTV, Inc. (“DIRECTV”) files these comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”) issued in the above-captioned proceeding.² The FNPRM seeks comment on issues concerning the participation of the direct broadcast satellite (“DBS”) industry in a state and local Emergency Alert System (“EAS”).³ As discussed below, the distribution of state and local EAS messages by DBS operators presents several obstacles arising from the national character of DBS service and the technical constraints of DBS systems. Nevertheless, DIRECTV is investigating options to improve the methods by

¹ 47 C.F.R. § 1.415.

² See *Review of the Emergency Alert System*, First Report and Order and Further Notice of Proposed Rulemaking, EB Docket No. 04-296, FCC 05-191 (rel. Nov. 10, 2005) (“FNPRM”).

³ FNPRM ¶ 68.

which it can voluntarily alert its subscribers to regional emergency conditions as a complement to the EAS efforts of local broadcasters and other local news sources.

Operation of a state and local EAS on a DBS platform poses several technical and logistical challenges. DBS systems such as DIRECTV's are inherently national platforms, whereas state and local EAS messages contain information that is specific to only one area of the country. DIRECTV currently does not have the ability on its system to receive, sort, and disseminate state and local EAS messages only to the subscribers in the affected geographic areas, and it would be inefficient and counterproductive to distribute state and local EAS messages to subscribers throughout the country. Indeed, if DIRECTV were required carry state and local EAS messages using its current system capabilities, all state and local alerts would be broadcast nationally to all subscribers, resulting in unnecessary program disruptions for the great majority of DIRECTV's subscribers residing outside of the area affected by the emergency. DIRECTV's distribution of state and local EAS messages in this manner also could lead to significant viewer confusion about, and possibly apathy toward, EAS messages because nationally-aired state and local alerts would be irrelevant to most of DIRECTV's subscribers. At worst, such messages could trigger false alarms among viewers in areas unaffected by the emergency and unnecessarily put lives at risk if viewers panic in response to emergency information that is not directed to them.

The logistical burdens placed on DBS operators to implement a state and local EAS also would be significantly greater than those placed on local broadcasters and cable operators. Because it serves every market in the country, DIRECTV would be obliged to monitor, manage, and distribute a much larger volume of alerts at a far greater frequency than local television stations and cable systems which generally serve only a single market. Thus, each time a local

emergency occurs anywhere in the country, such as a severe thunderstorm in Omaha, DIRECTV could be in a position of having to activate the EAS. In contrast to local television stations and cable systems which handle only a handful of emergencies per year, DIRECTV as a national system operator potentially would have to air thousands of state and local alerts per year.

Designing a DBS-based public alert and warning system to include regional messages also raises practical questions about how such a system should be structured, organized, and operated on a day-to-day basis. For such a system to function, standards for activating and operating the system, including designating the entities who would be responsible for issuing alerts and creating a mechanism for relaying emergency messages to DBS operators, must be established. The current Primary Source protocol used for state and local alerts, in which designated local broadcast stations or emergency operations centers originate EAS messages, would not work on a national platform like DBS. DIRECTV does not have the ability to monitor the hundreds of state and local Primary Sources across the country for alerts. Moreover, if every EAS message from all Primary Sources were passed through automatically on DIRECTV's system, subscribers would suffer frequent, and in most cases unnecessary, program disruptions and may become confused or alarmed about emergency conditions occurring outside of their viewing area. Clearly, such results are not in the public interest and would not further the goal of the EAS to promote the safety of life and property.

Notwithstanding the difficulties DBS operators face in implementing a state and local EAS on a national platform, DIRECTV is working toward greater participation in a voluntary regional EAS. DIRECTV already provides state and local emergency information to many of its subscribers by retransmitting the state and local alerts aired by local television broadcast stations in over 140 markets where it provides local-into-local service. DIRECTV also has the capability

as the need arises to dedicate a full-time channel, available nationwide to all of its subscribers, to carry national, state, and local EAS alerts. For example, during the Hurricane Katrina disaster, DIRECTV dedicated channel 100 to carry official messages from FEMA and the Red Cross, live press conferences from government and public safety officials, and other relief information.⁴

DIRECTV currently is exploring options to improve the methods by which it can voluntarily alert its subscribers to regional emergency conditions as they are occurring to complement the EAS efforts of local broadcasters and other news sources. However, as discussed above, the functional success of such a voluntary DBS-based alert system would depend upon the transmission of properly initiated EAS messages to the appropriate recipient at DIRECTV. Until the feasibility of regional DBS alerts is fully explored, DIRECTV's subscribers will continue to have access to the emergency information more capably provided by local broadcast stations and other electronic media outlets that, unlike DIRECTV, have an on-the-scene presence in each local market. Accordingly, while DIRECTV continues to explore the feasibility of implementing a voluntary regional EAS on its system, DIRECTV requests that the Commission not adopt specific EAS requirements for DBS operators at this time.

The FNPRM also asks whether the Commission should adopt a weekly EAS testing requirement for DBS operators and develop performance standards on the timing and accuracy of EAS messages.⁵ DIRECTV already is required to conduct EAS tests each month on at least ten percent of the total channels it provides and must log weekly tests it receives in its records.⁶ These requirements are sufficient to ensure that DIRECTV's EAS equipment is operational and

⁴ See Ex Parte Communication of DIRECTV, Inc., EB Docket No. 04-296 (filed Oct. 20, 2005).

⁵ FNPRM ¶¶ 68, 72.

⁶ 47 C.F.R. § 11.61(a)(1)(ii) and (2)(ii).

performing. Further EAS testing and performance obligations would be overly burdensome and costly to DIRECTV and would result in unnecessary program disruptions to subscribers.

Accordingly, DIRECTV asks the Commission to refrain from adopting additional EAS testing and performance requirements at this time.

Respectfully submitted,

DIRECTV, INC.

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